

AMENDMENT TO RULES COMMITTEE PRINT

118-10

OFFERED BY MR. ROY OF TEXAS

Page 699, line 1, strike “to provide for” and all that follows through the period on line 6 and insert the following:

1 for the following:

2 (1) To provide for the independent and objec-
3 tive conduct and supervision of audits and investiga-
4 tions, including within the territory of Ukraine, re-
5 lating to the programs and operations funded with
6 amounts appropriated or otherwise made available
7 for the military and nonmilitary support of Ukraine.

8 (2) To provide for the independent and objec-
9 tive leadership and coordination of, and rec-
10 ommendations on, policies designed to prevent and
11 detect waste, fraud, and abuse in such programs and
12 operations described in paragraph (1).

13 (3) To provide for an independent and objective
14 means of keeping the Secretary of State, the Sec-
15 retary of Defense, and Congress fully and currently
16 informed about problems and deficiencies relating to
17 the administration of such programs and operations

1 and the necessity for and progress on corrective ac-
2 tion.

Page 699, line 14, insert “, with the advice and con-
sent of the Senate” before the period.

Page 700, after line 14, insert the following new
paragraph:

3 (7) INDEPENDENCE TO CONDUCT INVESTIGA-
4 TIONS AND AUDITS.—No officer of the Department
5 of Defense, the Department of State, or the United
6 States Agency for International Development shall
7 prevent or prohibit the Special Inspector General
8 from initiating, carrying out, or completing any
9 audit or investigation related to amounts appro-
10 priated or otherwise made available for the military
11 and nonmilitary support of Ukraine or from issuing
12 any subpoena during the course of any such audit or
13 investigation.

Page 701, beginning line 1, strike “The duties of the
Special Inspector General are as follows” and insert “It
shall be the duty of the Special Inspector General to con-
duct, supervise, and coordinate audits and investigations
of the treatment, handling, and expenditure of amounts
appropriated or otherwise made available for the military
and nonmilitary support of Ukraine, and of the pro-

grams, operations, and contracts carried out utilizing such funds. Such duty shall also include the following”.

Page 701, after line 7, insert the following (and redesignate all subsequent paragraphs accordingly):

1 (2) The investigation of overpayments such as
2 duplicate payments or duplicate billing and any po-
3 tential unethical or illegal actions of Federal employ-
4 ees, contractors, or affiliated entities and the refer-
5 ral of such reports, as necessary, to the Department
6 of Justice to ensure further investigations, prosecu-
7 tions, recovery of further funds, or other remedies.

8 (3) The oversight and accounting of the obliga-
9 tion and expenditure of such funds; the monitoring
10 and review of contracts funded by such funds.

11 (4) The monitoring and review of the transfer
12 of such funds and associated information between
13 and among departments, agencies, and entities of
14 the United States and private and nongovernmental
15 entities.

16 (5) The maintenance of records on the use of
17 such funds to facilitate future audits and investiga-
18 tions of the use of such funds.

Page 703, after line 12, insert the following (and redesignate all subsequent subsections accordingly):

1 (e) EMPLOYMENT OF EXPERTS AND CONSULT-
2 ANTS.—The Special Inspector General may obtain services
3 as authorized by section 3109 of title 5, United States
4 Code, at daily rates not to exceed the equivalent rate pre-
5 scribed for grade GS–15 of the General Schedule by sec-
6 tion 5332 of such title.

7 (f) CONTRACTING AUTHORITY.—To the extent and in
8 such amounts as may be provided in advance by appro-
9 priations Acts, the Special Inspector General may enter
10 into contracts and other arrangements for audits, studies,
11 analyses, and other services with public agencies and with
12 private persons, and make such payments as may be nec-
13 essary to carry out the duties of the Special Inspector
14 General.

Page 704, after line 5, insert the following:

15 (4) RESOURCES.—The Secretary of State or the
16 Secretary of Defense, as appropriate, shall provide
17 the Special Inspector General with—

18 (A) appropriate and adequate office space
19 at appropriate locations of the Department of
20 State or the Department of Defense (as the
21 case may be) in Ukraine, or at an appropriate
22 United States military installation in the Euro-
23 pean theater, together with such equipment, of-
24 fice supplies, and communications facilities and

1 services as may be necessary for the operation
2 of such offices, and shall provide necessary
3 maintenance services for such offices and the
4 equipment and facilities located therein; and

5 (B) appropriate and adequate support for
6 audits, investigations, and related activities by
7 the Special Inspector General or assigned per-
8 sonnel within the territory of Ukraine.

9 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

10 (A) IN GENERAL.—Upon request of the
11 Special Inspector General for information or as-
12 sistance from any department, agency, or other
13 entity of the Federal Government, the head of
14 such entity shall, insofar as is practicable and
15 not in contravention of any existing law, furnish
16 such information or assistance to the Special
17 Inspector General, or an authorized designee.

18 (B) REPORTING OF REFUSED ASSIST-
19 ANCE.—Whenever information or assistance re-
20 quested by the Special Inspector General is, in
21 the judgment of the Special Inspector General,
22 unreasonably refused or not provided, the Spe-
23 cial Inspector General shall report the cir-
24 cumstances to the Secretary of State or the
25 Secretary of Defense, as appropriate, and to the

1 appropriate congressional committees without
2 delay.

Page 704, line 15, strike “is submitted” and all that follows through line 19 before the period and insert the following:

3 is submitted, the activities during such pe-
4 riod of the Special Inspector General and the
5 activities under programs and operations fund-
6 ed with amounts appropriated or otherwise
7 made available for the military and nonmilitary
8 support of Ukraine. Each report shall include,
9 for the period covered by such report, a detailed
10 statement of all obligations, expenditures, and
11 revenues associated with military and non-
12 military support of Ukraine, including the fol-
13 lowing:

14 (i) Obligations and expenditures of
15 appropriated funds.

16 (ii) Operating expenses of agencies or
17 entities receiving amounts appropriated or
18 otherwise made available for the military
19 and nonmilitary support of Ukraine.

20 (iii) In the case of any contract,
21 grant, agreement, or other funding mecha-
22 nism described in paragraph (4)—

1 (I) the amount of the contract,
2 grant, agreement, or other funding
3 mechanism;

4 (II) a brief discussion of the
5 scope of the contract, grant, agree-
6 ment, or other funding mechanism;

7 (III) a discussion of how the de-
8 partment or agency of the United
9 States Government involved in the
10 contract, grant, agreement, or other
11 funding mechanism identified, and so-
12 licited offers from, potential individ-
13 uals or entities to perform the con-
14 tract, grant, agreement, or other
15 funding mechanism, together with a
16 list of the potential individuals or en-
17 tities that were issued solicitations for
18 the offers; and

19 (IV) the justification and ap-
20 proval documents on which was based
21 the determination to use procedures
22 other than procedures that provide for
23 full and open competition.

24 (iv) An accounting comparison of—

1 (I) the military and nonmilitary
2 support provided to Ukraine by the
3 United States; and

4 (II) the military and nonmilitary
5 support provided to Ukraine by other
6 North Atlantic Treaty Organization
7 member countries, including allied
8 contributions to Ukraine that are sub-
9 sequently backfilled or subsidized
10 using United States funds.

Page 706, after line 6, insert the following (and re-
designate the subsequent paragraph accordingly):

11 (4) COVERED CONTRACTS, GRANTS, AGREE-
12 MENTS, AND FUNDING MECHANISMS DESCRIBED.—A
13 covered contract, grant, agreement, or other funding
14 mechanism described in this paragraph is any major
15 contract, grant, agreement, or other funding mecha-
16 nism that is entered into by any department or
17 agency of the United States Government that in-
18 volves the use of amounts appropriated or otherwise
19 made available for the military and nonmilitary sup-
20 port of Ukraine with any public or private sector en-
21 tity for any of the following purposes:

22 (A) To build or rebuild physical infrastruc-
23 ture of Ukraine.

1 (B) To establish or reestablish a political
2 or societal institution of Ukraine.

3 (C) To provide products or services to the
4 people of Ukraine.

5 (D) To provide lethal or nonlethal weap-
6 onry to Ukraine.

7 (E) To otherwise provide military or non-
8 military support to Ukraine.

Page 706, after line 17, insert the following (and re-
designate all subsequent subsections accordingly):

9 (h) REPORT COORDINATION.—

10 (1) TRANSMISSION TO SECRETARIES OF STATE
11 AND DEFENSE.—The Special Inspector General shall
12 also transmit each report required by subsection (g)
13 to the Secretary of State and the Secretary of De-
14 fense.

15 (2) SUBMISSION TO CONGRESS.—

16 (A) IN GENERAL.—Not later than 30 days
17 after receipt of a report pursuant to paragraph
18 (1), the Secretary of State and the Secretary of
19 Defense shall separately submit to the appro-
20 priate congressional committees any comments
21 on the matters covered by the report. Such
22 comments shall be submitted in unclassified
23 form, but may include a classified annex if the

1 Secretary of State or the Secretary of Defense,
2 as the case may be, considers it necessary.

3 (B) ACCESS.—On request, any Member of
4 Congress may view the comments submitted
5 pursuant to subparagraph (A), including the
6 classified annex.

7 (i) TRANSPARENCY.—

8 (1) REPORT.—Not later than 60 days after
9 submission to the appropriate congressional commit-
10 tees of a report required by subsection (g), the Sec-
11 retary of State and the Secretary of Defense shall
12 jointly make copies of the report available to the
13 public upon request, and at a reasonable cost.

14 (2) COMMENTS ON MATTERS COVERED BY RE-
15 PORT.—Not later than 60 days after submission to
16 the appropriate congressional committees pursuant
17 to subsection (h)(2)(A) of comments on a report re-
18 quired by subsection (g), the Secretary of State and
19 the Secretary of Defense shall jointly make copies of
20 the comments available to the public upon request,
21 and at a reasonable cost.

22 (j) WAIVER.—

23 (1) AUTHORITY.—The President may waive the
24 requirement under paragraph (1) or (2) of sub-
25 section (i) with respect to the public availability of

1 any element in a report required by subsection (g),
2 or any comment submitted pursuant to subsection
3 (h)(2)(A), if the President determines that the waiv-
4 er is justified for national security reasons.

5 (2) NOTICE OF WAIVER.—The President shall
6 publish a notice of each waiver made under this sub-
7 section in the Federal Register no later than the
8 date on which a report required by subsection (g),
9 or any comment submitted pursuant to subsection
10 (h)(2)(A), is submitted to the appropriate congres-
11 sional committees. The report and comments shall
12 specify whether waivers under this subsection were
13 made and with respect to which elements in the re-
14 port or which comments, as appropriate.

15 (3) RULE OF CONSTRUCTION.—Nothing in this
16 subsection may be construed to authorize the Presi-
17 dent to waive any requirement under subsection
18 (h)(2) with respect to the availability of comments
19 submitted pursuant to such subsection.

Page 709, after line 17, insert the following:

20 (n) FINAL REPORT.—The Special Inspector General
21 shall, prior to the termination of the Office of the Special
22 Inspector General for Ukraine Assistance under sub-
23 section (m), prepare and submit to the appropriate con-
24 gressional committees a final forensic audit report on pro-

1 grams and operations funded with amounts appropriated
2 or otherwise made available for the military and non-
3 military support of Ukraine.

4 (o) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated \$20,000,000 for fiscal year 2024 to
7 carry out this section.

8 (2) OFFSET.—Notwithstanding the amounts set
9 forth in the funding tables in division D, the amount
10 authorized to be appropriated in section 301 for op-
11 eration and maintenance, as specified in the cor-
12 responding funding table in section 4301 for “Oper-
13 ation and maintenance, defense-wide—Line 490—Of-
14 fice of the Secretary of Defense”, is hereby reduced
15 by \$20,000,000.

